

(b) A panel may not eliminate an educational program from consideration based solely on the fact that the program does not have one specific type of supporting data, such as test scores.

(c) Each expert panel shall make a recommendation to the Secretary as to whether the program is exemplary, promising, or neither.

(Authority: 20 U.S.C. 6011(i)(2)(B)(iii) and (E), 6041(d))

§ 701.21 What is the difference between an exemplary and a promising program?

(a) In determining whether an educational program should be recommended as exemplary or promising, the panel shall consider—

(1) Whether, based on empirical data, the program is effective and should be designated as exemplary; or

(2) Whether there is sufficient evidence to demonstrate that the program shows promise for improving student achievement and should be designated as promising.

(b) The Secretary relies upon the judgment and expertise of peer reviewers, as established in § 701.11, to determine the nature and extent of evidence required to distinguish between promising and exemplary programs and to apply the four criteria established in § 701.22, and their own individual factors under each criterion in making this determination.

(Authority: 20 U.S.C. 6011(i)(2)(B)(iii) and (E), 6041(d))

§ 701.22 What criteria are used to evaluate programs for exemplary or promising designation?

The Secretary establishes the following evaluation criteria for expert panels to use in determining whether an educational program should be recommended as exemplary, promising, or neither:

- (a) Evidence of success.
- (b) Quality of the program.
- (c) Educational significance.
- (d) Replicability.

(Authority: 20 U.S.C. 6011(i)(2)(B)(iii) and (E), 6041(d))

PART 702—STANDARDS FOR CONDUCT AND EVALUATION OF ACTIVITIES CARRIED OUT BY THE OFFICE OF EDUCATIONAL RESEARCH AND IMPROVEMENT (OERI)—EVALUATION OF THE PERFORMANCE OF RECIPIENTS OF GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS

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AUTHORITY: 20 U.S.C. 6011(i), unless otherwise noted.

SOURCE: 63 FR 57573, Oct. 27, 1998, unless otherwise noted.

Subpart A—General

§ 702.1 What is the purpose of these standards?

(a) The standards in this part implement section 912(i) of the Educational Research, Development, Dissemination, and Improvement Act of 1994 (the Act).

§ 702.2

(b) These standards establish criteria and a peer review process to provide recipients of OERI grants, cooperative agreements and contract awards with assessments of their projects.

(1) The purpose of the assessments is to provide feedback to recipients to improve the quality of funded activities and to provide information to OERI as it determines if a recipient of a multi-year award merits continuation funding.

(2) The criteria and peer review process are intended to address the statutory requirement that the research, development, and dissemination activities carried out by the recipients of grants from and contracts and cooperative agreements with the Office of Educational Research and Improvement (OERI) meet the highest standards of professional excellence.

(Authority: 20 U.S.C. 6011(i)(2)(F))

§ 702.2 What activities must be evaluated by these standards?

These standards apply to activities carried out by OERI using funds appropriated under section 912(m) of the Act including activities carried out by the following entities or programs:

(a) The National Education Research Institutes.

(b) The Office of Reform Assistance and Dissemination.

(c) The Educational Resources Information Center.

(d) The Regional Educational Laboratories.

(e) The Teacher Research Dissemination Demonstration Program.

(f) The Goals 2000 Community Partnerships Program.

(g) The National Educational Research Policy and Priorities Board.

(Authority: 20 U.S.C. 6011(i)(1))

§ 702.3 What additional activities may be evaluated by these standards?

The Secretary may apply these standards to other activities funded by the Department, as appropriate.

(Authority: 20 U.S.C. 6011 (i)(1))

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§ 702.4 When is performance assessed under these standards?

(a) The Secretary will assess the performance of recipients of OERI grants, contracts, and cooperative agreements subject to these standards during and at the conclusion of their period of performance.

(b) The Department requires at least one interim assessment by a peer review panel for all awards.

(c) The Assistant Secretary will approve and require more than one interim assessment when an award is identified, either by the initial interim review or by Department of Education staff monitoring the award, as having difficulty in achieving project objectives.

(d) A final assessment by a peer review panel is required for all awards.

(e) As used in this part—

(1) Interim assessment is any assessment conducted during a recipient's period of performance.

(2) Final assessment is one conducted at the conclusion of a recipient's period of performance.

(Authority: 20 U.S.C. 6011(i)(2)(F))

§ 702.5 What definitions apply?

(a) *Definitions in the Educational Research, Development, Dissemination, and Improvement Act of 1994.* The following terms used in this part are defined in 20 U.S.C. 6011(1)(1):

Development
Dissemination
Educational Research

(b) *Definitions in the Education Department General Administrative Regulations.* The following terms used in this part are defined in 34 CFR 77.1:

Application
Award
Department
Grant
Project
Secretary

(c) *Definitions in the Federal Acquisition Regulation.* The following term used in this part is defined in 48 CFR Chapter 1: Contract Proposal.

(Authority: 20 U.S.C. 6011(i)(2)(F))